

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK M. ACKERMAN,

Defendant.

4:18CR3006

**PRELIMINARY ORDER OF
FORFEITURE**

This matter comes on before the Court upon the United States's Motion for Preliminary Order of Forfeiture (Filing No. 28). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement (Filing No. 21) whereby he agreed to enter pleas of guilty to Counts I through XV and agreed to admit to the Forfeiture Allegation of said Indictment. Counts I through XV charged the Defendant with wire fraud, in violation of 18 U.S.C. § 1343. The Forfeiture Allegation of said Indictment and the parties' Stipulation (Filing No. 27) seeks the forfeiture, pursuant to 18 U.S.C. § 982, of the following properties on the basis they are real and personal properties involved in the charged wire frauds and are proceeds obtained directly or indirectly as the result of the charged wire frauds:

- a. 2016 Nissan Titan, VIN No. 1N6BA1F48GN513299;
- b. 2015 Triumph Tiger Motorcycle with Sidecar, VIN No. SMTF03XK0FJ676908;
- c. 2017 Rockwood tan Tent Trailer, VIN No. 4X4CPRW14HD299875;
- d. 2013 Polaris Brutus HD PTO;
- e. 2018 Jayco Jay Flight, Model 33RBTS, VIN No. 1UJBJOBT7J1T90071;
- f. 2016 John Deere Tractor, Model 3046;
- g. 2017 Buick Lacrosse, VIN No. 1G4ZS5SS1HU145903;

- h. 2016 Ranger Boat, VIN No. RGR03171L516;
- i. 2017 Ducati Multistrada Motorcycle, VIN No. ZDM12BWW1HB018551;
- j. Real Property located at 6701 West Leean Lane, Crete, Nebraska, 68333 in Lancaster County, Nebraska, more particularly described as Lot 1, Block 4, Wendelin Estates First Addition, Lancaster County, Nebraska;

k. \$73,355.99 in U.S. currency.

2. By virtue of said plea of guilty and stipulation, the Defendant forfeits his interest in the aforementioned properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 982.

3. The United States's Motion for Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States's Motion for Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment, the Defendant's plea of guilty and the parties's Stipulation, the United States is hereby authorized to seize the following-described properties:

- a. 2016 Nissan Titan, VIN No. 1N6BA1F48GN513299;
- b. 2015 Triumph Tiger Motorcycle with Sidecar, VIN No. SMTF03XK0FJ676908;
- c. 2017 Rockwood tan Tent Trailer, VIN No. 4X4CPRW14HD299875;
- d. 2013 Polaris Brutus HD PTO;
- e. 2018 Jayco Jay Flight, Model 33RBTS, VIN No. 1UJBJOB7J1T90071;
- f. 2016 John Deere Tractor, Model 3046;
- g. 2017 Buick Lacrosse, VIN No. 1G4ZS5SS1HU145903;
- h. 2016 Ranger Boat, VIN No. RGR03171L516;
- i. 2017 Ducati Multistrada Motorcycle, VIN No. ZDM12BWW1HB018551;
- j. Real property located at 6701 West Leean Lane, Crete, Nebraska, 68333 in Lancaster County, Nebraska, more particularly described as follows: Lot 1, Block 4, Wendelin Estates First Addition, Lancaster County, Nebraska; and

k. \$73,355.99 in U.S. currency.

C. The Plaintiff seeks a Money Judgment for a sum equal to the value of the proceeds the Defendant obtained as a result of the scheme alleged in Counts through I through XV of the indictment. Any amount the defendant pays in restitution should be credited against the money judgment. The Court will address this at Defendant's sentencing.

D. The Defendant's interest in the aforementioned properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

E. The aforementioned properties are to be held by the United States in its secure custody and control.

F. Pursuant to 18 U.S.C. § 982, the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

H. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties to this Order as a substitute for published notice as to those persons so notified.

I. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 982, in which all interests will be addressed.

ORDERED this 24th day of July, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge